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 Filed : March 27, 2001

# **REMARKS**

## **A. COMMENTS**

In the Office Action mailed January 11, 2005, the Examiner rejected Claims 1-34. In particular, the Examiner rejected Claims 1, 3-5, 7-8, 10-13, 15-20, and 24-32 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. US 2002/0026521 A1 to Sharfman et al. ("Sharfman"). The Examiner rejected Claims 2, 9, 14, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of "The Lharc/LHA Archiver" by Mille Babic ("Babic"). The Examiner further rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of U.S. Patent No. 6,668,244 to Rourke et al. ("Rourke"). The Examiner further rejected Claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of "Petite Win32 Executable Compressor" version 2.2 by Luck ("Luck").

Applicant has amended Claims 25-26, 28, and 31-32. Claims 1-24, 27, 29-30, and 33-34 remain as originally filed. Thus, Applicant respectfully requests reconsideration of Claims 25-26, 28, and 31-32 as amended and Claims 1-24, 27, 29-30, and 33-34 as originally filed.

## **B. COMMENTS REGARDING 35 U.S.C. § 102(e) PRIOR ART REJECTIONS**

The Examiner rejected Claims 1, 3-5, 7-8, 10-13, 15-20, and 24-32 under 35 U.S.C. § 102(e) as being anticipated by Sharfman. As discussed below, Applicant respectfully disagrees with the Examiner's rejection and respectfully traverses this rejection and the Examiner's characterization of the cited reference.

### **1. Independent Claim 1**

With respect to independent Claim 1, a method is recited for creating, in response to only a single action by a user, a self-extracting file. The method comprises, among other things, receiving, from a user, an input file to be used in creating a self-extracting file and without further action by the user, creating a self-extracting file using the input file.

In general, Sharfman appears to disclose a system and method for managing and distributing a multi-media presentation from a single central location. (Abstract.) In particular, Sharfman discloses collecting information from the user for creating a packaged presentation. (Figs. 8-13.) Such information includes collecting from the user either the user audio and presentation data, compression preferences, and new file name information. Sharfman requires

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constant interaction with the user and does not disclose "*without further action by the user, creating a self-extracting file using the input file.*"

Thus, Applicant respectfully submits that Sharfman fails to disclose the claimed subject matter of Claim 1, including each element of Claim 1, and Applicant respectfully requests that the rejection of Claim 1 be withdrawn.

## 2. Independent Claim 3

With respect to independent Claim 3, a method is recited for creating, in response to a single action, a self-extracting file from an associated input file. The method comprises, among other things, in response to only a single action, creating a self-extracting file.

As set forth above, Sharfman discloses receiving user input to determine the compression method and the clicking on a preview button. (Figs. 11 and 12, Nos. 365 and 367; Page 7, Section 90 ("The author makes their selection by clicking on one of two windows 365 and 367. Clicking on the preview button causes the processor 24 to carry out the . . . processes. . .").) Thus, Sharfman does not disclose "in response to only a single action, creating a self-extracting file."

Thus, Applicant respectfully submits that Sharfman fails to disclose the claimed subject matter of Claim 3, including each element of Claim 3, and Applicant respectfully requests that the rejection of Claim 3 be withdrawn.

## 3. Dependent Claims 4-5 and 7-8

Claims 4-5 and 7-8, which depend from independent Claim 3 and include all the limitations of Claim 3, are believed to be patentable for the same reasons stated above with respect to Claim 3 and because of the additional limitations set forth therein. Since Sharfman fails to disclose every element of Claims 4-5 and 7-8, Applicant respectfully requests that the rejection of Claims 4-5 and 7-8 be withdrawn.

## 4. Independent Claim 10

The Examiner rejected independent Claim 10 on the basis of the Examiner's analysis of Claim 1. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 1, Claim 10 is believed to be patentable. Since Sharfman fails to disclose

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every element of Claim 10, Applicant respectfully requests that the rejection of Claim 10 be withdrawn.

**5. Dependent Claims 11-13 and 15-19**

Claims 11-13 and 15-19, which depend from independent Claim 10 and include all the limitations of Claim 10, are believed to be patentable for the same reasons stated above with respect to Claim 10 and because of the additional limitations set forth therein. Since Sharfman fails to disclose every element of Claims 11-13 and 15-19, Applicant respectfully requests that the rejection of Claims 11-13 and 15-19 be withdrawn.

**6. Independent Claim 20**

The Examiner rejected independent Claim 20 on the basis of the Examiner's analysis of Claim 1. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 1, Claim 20 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 20, Applicant respectfully requests that the rejection of Claim 20 be withdrawn.

**7. Independent Claim 24**

The Examiner rejected independent Claim 24 on the basis of the Examiner's analysis of Claim 3. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 3, Claim 24 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 24, Applicant respectfully requests that the rejection of Claim 24 be withdrawn.

**8. Independent Claim 25**

The Examiner rejected independent Claim 25 on the basis of the Examiner's analysis of Claim 11. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 11, Claim 25 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 25, Applicant respectfully requests that the rejection of Claim 25 be withdrawn.

**9. Independent Claim 26**

The Examiner rejected independent Claim 26 on the basis of the Examiner's analysis of Claim 1. Accordingly, Applicant respectfully submits that for the same reasons as stated above

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with respect to Claim 1, Claim 26 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 26, Applicant respectfully requests that the rejection of Claim 26 be withdrawn.

**10. Independent Claim 27**

The Examiner rejected independent Claim 27 on the basis of the Examiner's analysis of Claim 1. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 1, Claim 27 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 27, Applicant respectfully requests that the rejection of Claim 27 be withdrawn.

**11. Independent Claim 28**

The Examiner rejected independent Claim 28 on the basis of the Examiner's analysis of Claim 11. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 11, Claim 28 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 28, Applicant respectfully requests that the rejection of Claim 28 be withdrawn.

**12. Dependent Claim 29**

Claim 29, which depends from independent Claim 28 and includes all the limitations of Claim 28, are believed to be patentable for the same reasons stated above with respect to Claim 28 and because of the additional limitations set forth therein. Since Sharfman fails to disclose every element of Claim 29, Applicant respectfully requests that the rejection of Claim 29 be withdrawn.

**13. Independent Claim 30**

The Examiner rejected independent Claim 30 on the basis of the Examiner's analysis of Claim 11. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 11, Claim 30 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 30, Applicant respectfully requests that the rejection of Claim 30 be withdrawn.

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**14. Independent Claim 31**

The Examiner rejected independent Claim 31 on the basis of the Examiner's analysis of Claim 27. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 27, Claim 31 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 31, Applicant respectfully requests that the rejection of Claim 31 be withdrawn.

**15. Independent Claim 32**

The Examiner rejected independent Claim 32 on the basis of the Examiner's analysis of Claim 1. Accordingly, Applicant respectfully submits that for the same reasons as stated above with respect to Claim 1, Claim 32 is believed to be patentable. Since Sharfman fails to disclose every element of Claim 32, Applicant respectfully requests that the rejection of Claim 32 be withdrawn.

**C. COMMENTS REGARDING 35 U.S.C. § 103(a) PRIOR ART REJECTIONS**

The Examiner rejected Claims 2, 9, 14, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of Babic. The Examiner further rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of Rourke. The Examiner further rejected Claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Sharfman in view of Luck. As discussed below, Applicant respectfully disagrees with the Examiner's rejections and respectfully traverse these rejections and the Examiner's characterization of the cited references.

**1. Dependent Claim 2**

Claim 2, which depends from independent Claim 1 and includes all the limitations of Claim 1, is believed to be patentable for the same reasons stated above with respect to Claim 1 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Babic, fails to disclose every element of Claim 2, Applicant respectfully requests that the rejection of Claim 2 be withdrawn.

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## 2. Dependent Claim 9

Claim 9, which depends from independent Claim 3 and includes all the limitations of Claim 3, is believed to be patentable for the same reasons stated above with respect to Claim 3 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Babic, fails to disclose every element of Claim 9, Applicant respectfully requests that the rejection of Claim 9 be withdrawn.

## 3. Dependent Claim 14

Claim 14, which depends from independent Claim 11 and includes all the limitations of Claim 11, is believed to be patentable for the same reasons stated above with respect to Claim 11 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Babic, fails to disclose every element of Claim 14, Applicant respectfully requests that the rejection of Claim 14 be withdrawn.

## 4. Independent Claim 21

With respect to independent Claim 21, a method is recited of creating a self-extracting file. The method comprises, among other things, receiving the input file specified by the user, wherein the received input file is automatically configured as a self-extracting file.

As set forth above, Sharfman discloses collecting information from the user for creating a packaged presentation. (Figs. 8-13.) The user is required to select audio and presentation data, select compression preferences, and determine the new file name. Sharfman does not disclose "receiving the input file specified by the user, wherein the received input file is *automatically* configured as a self-extracting file."

Thus, Applicant respectfully submits that Sharfman, alone or in combination with Babic, fails to disclose the claimed subject matter of Claim 21, including each element of Claim 21, and Applicant respectfully requests that the rejection of Claim 21 be withdrawn.

## 5. Independent Claim 22

With respect to independent Claim 22, a system is disclosed for creating a self-extracting file. The system comprises, among other things, a naming module configured to create and name an output file, wherein the output filename is generated from the associated filename of the input file.

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Sharfman discloses receiving information *from the user* for naming the file. (Page 4, Section 50 ("Operation begins at step 90, with processor 24 receiving input form the author regarding packaging information and preferences. For example, the author is prompted to input an output file name, the name of the directory to be packaged. . . .").) Thus, Sharfman does not disclose "a naming module configured to create and name an output file, wherein the output filename is generated form the associated filename of the input file."

Thus, Applicant respectfully submits that Sharfman, alone or in combination with Babic, fails to disclose the claimed subject matter of Claim 22, including each element of Claim 22, and Applicant respectfully requests that the rejection of Claim 22 be withdrawn.

#### 6. Dependent Claim 23

Claim 23, which depends from independent Claim 22 and includes all the limitations of Claim 22, is believed to be patentable for the same reasons stated above with respect to Claim 22 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Babic, fails to disclose every element of Claim 23, Applicant respectfully requests that the rejection of Claim 23 be withdrawn.

#### 7. Dependent Claim 6

Claim 6, which depends from independent Claim 3 and includes all the limitations of Claim 3, is believed to be patentable for the same reasons stated above with respect to Claim 3 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Rourke, fails to disclose every element of Claim 6, Applicant respectfully requests that the rejection of Claim 6 be withdrawn.

#### 8. Dependent Claims 33-34

Claims 33-34, which depend from independent Claim 32 and includes all the limitations of Claim 32, are believed to be patentable for the same reasons stated above with respect to Claim 32 and because of the additional limitations set forth therein. Since Sharfman, alone or in combination with Luck, fails to disclose every element of Claims 33-34, Applicant respectfully requests that the rejections of Claims 33-34 be withdrawn.

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**D. SUMMARY**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Accordingly, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-34 and to pass Claims 1-34 to allowance. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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